



Ninety-Ninth Legislature - First Session - 2005
Committee Statement
LB 454

Hearing Date: March 17, 2005

Committee On: Judiciary

Introducer(s): (Combs, Aguilar, Baker, Cornett, Cudaback, Cunningham, Erdman, Fischer, Flood, Friend, Hudkins, Janssen, Jensen, Kremer, Langemeier, McDonald, Pahls, Dw. Pedersen, Redfield, Schrock, Smith, Stuhr, Wehrbein, Engel, Connealy)

Title: Adopt the Concealed Handgun Permit Act

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

6	Yes	Senators Aguilar, Combs, Flood, Foley, Friend, Pedersen
2	No	Senators Bourne, Chambers
	Present, not voting	
	Absent	

Proponents:

Senator Jeanne Combs
Charles Whitlock
Steve Doran
Clark Gibbs
Dan Sindorf
Chris McClintock
Jim Fougeron

Alan Dorland
Jim Burnett
Chris Zeeb
Rebecca Pugh
Ronald Lorenz
Tim Tyrrell Sr.
Terrance Copple
Phil Cox
Patrick Cox

Representing:

Introducer
Self
McPherson County Sheriff
Self
Self
Self
Nebraska Taxpayers for Freedom
Protect Nebraska Now! Pac
Lincoln Izaac Walton League
Self
Lincoln Izaac Walton League
Self
Self
CCRKA
Nebraska Shooting Sports Association
Self
Self

Opponents:

Richard Hedrick

Representing:

Self

Jay Schmidt
William Muldoon
William Thurman
George Remmenga
Craig Groat
Marilyn Stewart
Jerry Stewart

Nebraskans for Peace
Police Chiefs' Association of Nebraska
Self
Self
Self
Self
Self

Neutral:

Noelie Sherdon
Jerry Stilmock

Representing:

Nebraska Department of Motor Vehicles
Nebraska State Volunteer Firefighter Association

Summary of purpose and/or changes:

LB 454 is the Concealed Handgun Permit Act. The act proposes to authorize eligible individuals to obtain a permit to carry a concealed handgun in Nebraska.

In order to obtain a permit to carry a concealed weapon and individual must apply in person to the Sheriff of the county in which he or she resides, present identification, submit two sets of fingerprints for a criminal history background check and pay an application fee of \$100. Providing false information on an application is punishable as a Class IV felony.

A sheriff shall issue a concealed handgun permit within 5 days after completion of the applicant's criminal background check if the applicant has met all of the following requirements:

- Be at least 21 years of age;
- Not be prohibited from carrying a firearm under federal law;
- Possess the eyesight required to obtain a drivers license;
- No have plead guilty to or been convicted of a felony or crime of violence;
- Not habitually be in an intoxicated or drugged state;
- Have no history of violence;
- Not have been determined to be a mentally ill dangerous person within the previous five years;
- Reside in the county where the application is made for at least 180 days;
- Have no violations of any law relating to firearms, unlawful use of a weapon, or controlled substances within the previous 5 years;
- Not be on probation, parole or house arrest or work release;
- Be a citizen of the United States;
- Not be under investigation for an offence that would prohibit the applicant from obtaining a permit; and
- Provide proof of completing a firearms training and safety course approved by the Nebraska State Patrol;

Permits are valid for a period of five years and may be renewed for an additional five years if the applicant remains in compliance with the requirements of the act. A permit holder is required to return the permit to the Sheriff if he or she is no longer in compliance with the provisions. The bill also provides that Sheriffs are completely immune from civil liability for injuries to people or property related to the issuance or revocation of a permit.

A permit holder is required to carry the permit when carrying a concealed weapon and, when contacted by a peace officer, to immediately notify the officer that he or she is carrying such a weapon. Officers may require the permit holder to relinquish any weapon for the duration of any contact and shall return the weapon upon completion of such contact unless the permit holder is in violation of the concealed handgun permit act or is being arrested.

Permit holders are allowed to carry concealed weapons anywhere in Nebraska, except the following locations:

- Law enforcement agency offices
- Detention facility, jail or prison;
- Courtroom or building which contains a courtroom
- Polling place during an election;
- Meeting of a governing body of a political subdivision;
- Meeting of the legislature or legislative committee;
- Financial institutions;
- Professional of collegiate athletic events;
- School grounds, vehicles, sponsored activities or athletic events;
- Place of worship;
- Emergency room or trauma center;
- Political rally or fundraiser;
- Establishment having a liquor licenses which generates more than 50% of its revenue from alcohol sales;
- Any place where possession of a firearm is prohibited by state or federal law; or
- A place where the person in control of the property has prohibited the carrying of concealed handguns

The bill also specifies the minimum requirements for an approved firearm training course and for persons conducting such courses, requires the state patrol to maintain a database of persons who have applied for or received a permit, provides for revocation of permits and criminal penalties for violations of the act, and assigns to the State patrol the authority to promulgate rules and regulations to carry out the purposes of the act.

Explanation of amendments, if any:

The committee amendment to LB 454 makes the following changes to the bill:

- Provides that applicants shall apply for a permit at any Nebraska State Patrol Troop headquarters or office provided by the patrol for purposes of accepting applications;
- Provides that permits shall be issued and renewed by the State Patrol rather than by County Sheriffs;
- Allows an individual to appeal a denial of permit application in either the county where the individual resides or the county where the permit was applied for;

- Allows an applicant who does not possess a driver's license to demonstrate he or she meets the vision requirements by submitting a statement from an optometrist or ophthalmologist certifying that the applicant's vision meets the requirements for a Class O operators license;
- Strikes language prohibiting persons who have a history of violence or who are habitually in an intoxicated or drugged condition from obtaining a permit;
- Amends the residency requirement to apply to residence within the state rather than a particular county;
- Language added to provide for the electronic transmission of permit information to the Department of Motor Vehicles;
- Other technical corrections to the bill;

Senator Patrick J. Bourne, Chairperson